

[CHAPTER 71.]

AN ACT

To supplement and support the Migratory Bird Conservation Act by providing funds for the acquisition of areas for use as migratory-bird sanctuaries, refuges, and breeding grounds, for developing and administering such areas, for the protection of certain migratory birds, for the enforcement of the Migratory Bird Treaty Act and regulations thereunder, and for other purposes.

March 16, 1934.
[H. R. 5632.]
Public, No. 124.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the expiration of ninety days after the date of enactment of this Act no person over sixteen years of age shall take any migratory waterfowl unless at the time of such taking he carries on his person an unexpired Federal migratory-bird hunting stamp issued to him in the manner hereinafter provided; except that no such stamp shall be required for the taking of migratory waterfowl by Federal or State institutions or official agencies, for propagation purposes or by the resident owner tenant or share cropper of the property or officially designated agencies of the Department of Agriculture for the killing of such waterfowl when found injuring crops or other property, under such restrictions as the Secretary of Agriculture may by regulation prescribe. The Secretary of Agriculture shall, immediately upon the passage of this Act, adopt and promulgate such regulations as are pertinent to the protection of private property in the injury of crops. Any person to whom a stamp has been issued under this Act shall upon request exhibit such stamp for inspection to any officer or employee of the Department of Agriculture authorized to enforce the provisions of this Act or to any officer of any State or any political subdivision thereof authorized to enforce game laws.

Migratory Bird Conservation.
Vol. 40, p. 755; Vol. 45, p. 1222.
Vol. 39, p. 1702.
Post, p. 1031.
Hunting stamp, provisions.
Exceptions.

Regulations by Secretary of Agriculture.

Stamps; inspection of.

SEC. 2. That the stamps required under this Act shall be issued, and the fees therefor collected, by the Post Office Department, under regulations prescribed jointly by the Secretary of Agriculture and the Postmaster General: *Provided*, That stamps shall be issued at the post office or post offices of all county seats in the several States, at all post offices in all cities with a population of two thousand five hundred or over and at such other post offices as said officers may by regulation prescribe. Each such stamp shall, at the time of issuance, be affixed adhesively to the game license issued to the applicant under State law, if the applicant is required to have a State license, or, if the applicant is not required to have a State license, to a certificate furnished for that purpose by the Post Office Department at the time of issuance of such stamp. For each such stamp issued under the provisions of this Act, there shall be collected by the postmaster the sum of \$1. Each stamp shall expire and be void after the 30th day of June next succeeding its issuance.

Issue of, by Post Office Department.

Collection of fees.

Proviso.
Issuing offices.

Stamp to be affixed to game license.

Fee.

Duration.

Compliance with State game laws and treaties.
Vol. 39, p. 1702.

SEC. 3. Nothing in this Act shall be construed to authorize any person to take any migratory waterfowl otherwise than in accordance with regulations adopted and approved pursuant to any treaty heretofore or hereafter entered into between the United States and any other country for the protection of migratory birds, nor to exempt any person from complying with the game laws of the several States.

SEC. 4. All moneys received for such stamps shall be accounted for by the postmaster and paid into the Treasury of the United States, and shall be reserved and set aside as a special fund to be known as the migratory bird conservation fund, to be administered by the Secretary of Agriculture. All moneys received into such fund are hereby appropriated for the following objects and shall be available therefor until expended:

Migratory bird conservation fund, stamp receipts to constitute.

Expenditures authorized.

Acquiring areas or sanctuaries.

(a) Not less than 90 per centum shall be available for the location, ascertainment, acquisition, administration, maintenance, and development of suitable areas for inviolate migratory-bird sanctuaries, under the provisions of the Migratory Bird Conservation Act, to be expended for such purposes in all respects as moneys appropriated pursuant to the provisions of such Act; for the administration, maintenance, and development of other refuges under the administration of the Secretary of Agriculture, frequented by migratory game birds; and for such investigations on such refuges and elsewhere in regard to migratory waterfowl as the Secretary of Agriculture may deem essential for the highest utilization of the refuges and for the protection and increase of these birds.

Developing, etc., other preserves, etc.

Administrative expenses.
Reimbursing expenses of issuing, etc., stamps.

(b) The remainder shall be available for administrative expenses under this Act and the Migratory Bird Conservation Act, including reimbursement to the Post Office Department of funds expended in connection with the printing, engraving, and issuance of migratory-bird hunting stamps, and including personal services in the District of Columbia and elsewhere: *Provided*, That the protection of said inviolate migratory-bird sanctuaries shall be, so far as possible, under section 17 of the Migratory Bird Conservation Act, passed February 18, 1929.

Proviso.
Cooperation with States, etc.
Vol. 45, p. 1225.

Administration of Migratory Bird Treaty Act.
Vol. 39, p. 1702.

(c) The remainder shall be available for administrative expenses under this Act, including reimbursement to the Post Office Department of funds expended in connection with the issuance of stamps, and printing and engraving of the same, and for administration expenses under the Migratory Bird Treaty Act and any other Act to carry into effect any treaty for the protection of migratory birds, and the Migratory Bird Conservation Act.

Penal provisions.
Altering, loaning, etc., stamps.

SEC. 5. (a) No person shall alter, mutilate, loan, or transfer to another any stamp issued to him pursuant to this Act, nor shall any person other than the person to whom such stamp is issued use the same for any purpose.

Counterfeiting.

(b) No person shall imitate or counterfeit any stamp authorized by this Act, or any die, plate, or engraving therefor, or make, print, or knowingly use, sell, or have in his possession any such counterfeit, license, die, plate, or engraving.

Enforcement provisions.

SEC. 6. For the efficient execution of this Act, the judges of the several courts, established under the laws of the United States, United States commissioners, and persons appointed by the Secretary of Agriculture to enforce the provisions of this Act, shall have, with respect thereto, like powers and duties as are conferred upon said judges, commissioners, and employees of the Department of Agriculture by the Migratory Bird Treaty Act or any other Act to carry into effect any treaty for the protection of migratory birds with respect to that Act. Any bird or part thereof taken or possessed contrary to such Acts shall, when seized, be disposed of as provided by the Migratory Bird Treaty Act, or Acts aforesaid.

Seizures, etc.
Vol. 40, p. 756.

Penalty for violation.

SEC. 7. Any person who shall violate any provision of this Act or who shall violate or fail to comply with any regulation made pursuant thereto shall be subject to the penalties provided in section 6 of the Migratory Bird Treaty Act.

Cooperation with States, etc.

SEC. 8. The Secretary of Agriculture is authorized to cooperate with the several States and Territories in the enforcement of the provisions of this Act.

Terms defined.

SEC. 9. (a) Terms defined in the Migratory Bird Treaty Act, or the Migratory Bird Conservation Act, shall, when used in this Act, have the meaning assigned to such terms in such Acts, respectively.

(b) As used in this Act (1) the term "migratory waterfowl" means the species enumerated in paragraph (a) of subdivision 1 of article I of the treaty between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916; (2) the term "State" includes the several States and Territories of the United States and the District of Columbia; and (3) the term "take" means pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

Approved, March 16, 1934.

[CHAPTER 72.]

AN ACT

To provide for the appointment of a commission to establish the boundary line between the District of Columbia and the Commonwealth of Virginia.

March 21, 1934.

[H. R. 6228.]

[Public, No. 126.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to determine the boundary line between the District of Columbia and the State of Virginia, and to provide for settlement of claims to property along or affected by said boundary line, the President of the United States is hereby requested to designate and appoint one commissioner, who is hereby directed, authorized, and empowered to act in conjunction with a like commissioner to be appointed pursuant to an act of the Legislature of Virginia. The said two commissioners so appointed and a third person to be selected by them are hereby constituted a commission for the purpose of surveying and ascertaining the boundary line between the District of Columbia and the State of Virginia, and are hereby directed, authorized, and empowered to survey and fix said boundary line and to mark the said line when so determined by suitable monuments, acting within the limits of their authority and guided by the provisions herein set forth. The said commissioners so selected shall serve until the completion of their report or not later than March 1, 1935.

District of Columbia-Virginia boundary line.
Appointment of Commission to establish.

Authority to fix line.

Duration of Commission.

Factors to be considered.

SEC. 2. In determining the location of said boundary said commissioners shall take into consideration, amongst other things, the several decisions of the Supreme Court of the United States in relation thereto, the findings and reports of the Maryland and Virginia Boundary Commission of 1877, the compact of 1785 between the State of Maryland and the Commonwealth of Virginia, the claims of ownership of the United States and all private persons and corporations along the Virginia shore line, and the equitable and prescriptive rights, if any, of the United States and private claimants growing out of long, continued, and uninterrupted possession, and shall mark such line as they may recommend as the boundary line and shall report their findings and recommendations to Congress and to the Legislature of Virginia for action to finally ratify and establish said boundary line.

Private claimants.

Marking of recommended line.
Findings; ratification.

SEC. 3. To provide for the settlement of titles to the property adjoining or affected by the determination of said boundary line, the said commissioners are further authorized and instructed to investigate all questions of title as between the United States and private citizens over such lands, all questions of equitable and prescriptive rights arising from long and continued possession and occupancy either on the part of the United States or private citizens, and all improvements of said lands either by the United States or private citizens made in good faith and upon belief of good title, and said commissioners shall report their findings and recommendations in this respect for the equitable settlement of all such disputed titles,

Settlement of property titles.

Questions of equitable and prescriptive rights, etc.